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SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/216,265 03/23/94 CLARK

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J 2042,044522  
EXAMINER

PUROL, D

ART UNIT PAPER NUMBER

7

3509  
DATE MAILED:

07/21/95

This is a communication from the examiner in charge of your application.  
COMMISSIONER OF PATENTS AND TRADEMARKS

☐ This application has been examined ☒ Responsive to communication filed on 5/4/95 ☒ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), - days from the date of this letter.  
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

**Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:**

- |   |   |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited by Examiner, PTO-892.        | 2. <input type="checkbox"/> Notice of Draftsman's Patent Drawing Review, PTO-948. |
| 3. <input type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449.             | 4. <input type="checkbox"/> Notice of Informal Patent Application, PTO-152.       |
| 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474. | 6. <input type="checkbox"/> _____   |

**Part II SUMMARY OF ACTION**

1. ☒ Claims 1-20 are pending in the application.

Of the above, claims \_\_\_\_\_ are withdrawn from consideration.

2. ☐ Claims \_\_\_\_\_ have been cancelled.

3. ☐ Claims \_\_\_\_\_ are allowed.

4. ☒ Claims 1-20 are rejected.

5. ☐ Claims \_\_\_\_\_ are objected to.

6. ☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

7. ☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.

8. ☐ Formal drawings are required in response to this Office action.

9. ☐ The corrected or substitute drawings have been received on \_\_\_\_\_. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable; ☐ not acceptable (see explanation or Notice of Draftsman's Patent Drawing Review, PTO-948).

10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on \_\_\_\_\_, has (have) been ☐ approved by the examiner; ☐ disapproved by the examiner (see explanation).

11. ☐ The proposed drawing correction, filed \_\_\_\_\_, has been ☐ approved; ☐ disapproved (see explanation).

12. ☐ Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has ☐ been received ☐ not been received ☐ been filed in parent application, serial no. \_\_\_\_\_; filed on \_\_\_\_\_.

13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.

14. ☐ Other

**EXAMINER'S ACTION**

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1. The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Claims 1,5,14,17-20 are rejected under 35 U.S.C. § 103 as being unpatentable over Heimberg in view of Scholten et al. Heimberg discloses a hemmed drapery panel 10 suspended from overhead hooks 12, hemmed lining panels 19 having suspending means 20, and edge securing means 21 for securing the inner vertical edges of the lining panels 19 to each other. While Heimberg does not disclose the edge securing means as comprising a magnetic sealing strip, Scholten et al disclose a lining 11 comprising a magnetic sealing strip 20 disposed within a hem, wherein, to incorporate this teaching into the securing means of Heimberg for the purpose of substituting a mechanical equivalent to obtain the advantages therein would have been obvious to one

of ordinary skill in the art. Regarding the limitation that the magnetic sealing strip is a continuous magnetic strip, the particular length of which the magnetic strip comprises is not seen as constituting a patentable distinction inasmuch as one having ordinary skill in the art would have recognized the advantages of additional magnetic attraction due to an increase in contact area.

2. Claims 2 and 3 are rejected under 35 U.S.C. § 103 as being unpatentable over Heimberg in view of Scholten et al as applied to claims 1,5,14,17-20 above, and further in view of Amado. While Heimberg does not specifically set forth the manner in which the hems are formed, Amado discloses a curtain comprising hems formed by folding portions 24,42,44 of the curtain and stitching 28,46, 48,62,64, wherein, to incorporate this teaching into the panels of Heimberg for the purpose of forming hems would have been obvious to one of ordinary skill in the art.

3. Claims 4,6,7,9,11,12,15 are rejected under 35 U.S.C. § 103 as being unpatentable over Heimberg in view of Scholten et al, as applied to claims 1,5,14,17-20 above, and further in view of Wade. While Heimberg does not disclose a plurality of drapery panels, to utilize a plurality of drapery panels 10 as disclosed

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by Heimberg for their explicit purpose of covering a window would have been obvious to one of ordinary skill in the art. Even so, however, Wade discloses a plurality of drapery panels 20',20" in association with a lining, wherein, to incorporate this teaching into the drapery panel of Heimberg for the purpose of accommodating windows of a larger size would have been obvious to one of ordinary skill in the art.

4. Claims 8,13,16 are rejected under 35 U.S.C. § 103 as being unpatentable over Heimberg in view of Scholten et al and Wade as applied to claims 4,6,7,9,11,12,15 above, and further in view of Amado. While Heimberg does not specifically set forth the manner in which the hems are formed, Amado discloses a curtain comprising hems formed by folding portions 24,42,44 of the curtain and stitching 28,46, 48,62,64, wherein, to incorporate this teaching into the panels of Heimberg for the purpose of forming hems would have been obvious to one of ordinary skill in the art.

5. Claim 10 is rejected under 35 U.S.C. § 103 as being unpatentable over Heimberg in view of Scholten et al and Wade as applied to claims 4,6,7,9,11,12,15 above, and further in view of Ryan. While Heimberg does not disclose the suspending means as

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comprising a braided strip having loops, Ryan discloses a suspending means comprising a braided strip 32 having loops 36, wherein, to incorporate this teaching into the panels of Heimberg for the purpose of substituting a mechanical equivalent for another to obtain its advantages would have been obvious to one of ordinary skill in the art.

6. Applicant argues that the separate magnetic strips of Scholten et al are embedded or sewn into the fabric and as such they are not removable. The Examiner disagrees inasmuch as a magnetic strip which is sewn within a hem is capable of being removed if so desired. Furthermore, a hem such as a blind hem, as exemplified by Heimberg, is of a structural arrangement which readily permits the removal a magnetic strip if so desired.

Applicant's arguments have been fully considered but they are not deemed to be persuasive.

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS


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ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS

OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

  
**David M. Purdi**  
**Primary Examiner**  
**Art Unit 3509**

DMP  
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July 21, 1995